

REMARKS

By the present amendment, claim 1 has been amended. Claim 6 has been canceled. Claims 5 and 21-23 were previously canceled.

Claims 1-4 and 7-20 are currently pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of Claims 1-4, 14, 15, 18 and 20 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-3, 14, 15, 18 and 20 under 35 U.S.C. § 102(b) as being anticipated by Yamashita, PCT Patent Publication No. WO 01/66433. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

In response to the Examiner's remarks, the Applicants have amended claim 1 to incorporate therein the features that were previously recited in claim 6, which has not been rejected over Yamashita. Claim 6 has been canceled in consequence.

In view of this amendment, the Applicants submit that at least one feature of claim 1 as amended is not taught by Yamashita. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 2, 3, 14, 15, 18 and 20 depending therefrom.

In regard to Rejection of Claims 1-4, 6, 7, 18 and 19 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-6, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by Greenbaum, U.S. Patent No. 5,022,555. The Applicants disagree.

The Applicants have canceled claim 6, and as such the Examiner's rejection is moot with respect thereto.

The Examiner's attention is directed to the following feature of claim 1:

an inner lining substantially impervious to oxygen and humidity

The Applicants submit that at least the above feature of claim 1 is not taught by Greenbaum.

The Examiner has asserted on page 5 of the rejection that

the perforation feature of Greenbaum exists on only one embodiment (Fig. 8), and other embodiments (i.e., Fig. 6) do not include the perforation feature. Accordingly, it is maintained that Greenbaum does in fact teach liner that is impervious to oxygen and humidity.

The Applicants respectfully submit that the Examiner is incorrect in his interpretation of Greenbaum.

Referring to lines 67-16 of columns 1-2 of Greenbaum,

FIG. 1 is a perspective view of a frame;
FIG. 2 is a perspective view of the frame of FIG. 1 with a first wrapping of carrier film to form a liner;
FIG. 3 is a perspective view of FIG. 2 with a wrapping of impervious barrier film;
FIG. 4 is a perspective view of FIG. 3 with an additional wrapping of carrier film to secure the barrier film and to form a shell;
FIG. 5 is a perspective view of the shell of FIG. 4 with additional reinforcing members;
FIG. 6 is a perspective view of FIG. 5 with carrier film securing the additional members to form a container;
FIG. 7 is a sectional perspective view of the container of FIG. 6;
FIG. 8 is a perspective view of FIG. 6 illustrating a top filter;

Referring also to Figures 1-8 of Greenbaum, it is apparent that Figures 6 and 8 of Greenbaum do not represent alternative embodiments of the container 26 of Greenbaum. Each of Figures 1-6 and 8 of Greenbaum shows the same single embodiment of the previous figure with the addition of a wrapping of material or another feature. In particular, Figure 8 is described as “a perspective view of FIG. 6” and not an alternative embodiment. As such, Figures 1-6 and 8 of Greenbaum represent a single embodiment of the container 26 of Greenbaum in different stages of construction. Therefore, the figures of Greenbaum show only a single embodiment of the container 26.

Referring also to lines 24-29 of column 3 of Greenbaum,

As shown in FIG. 8, after the container 26 is finally assembled, the top of the container may be perforated with an array of small holes to function as a filter(s) to allow water and the like

to flow into the container. Alternatively, fittings 32 are shown to which can be secured to valves or other pipes.

It is apparent that once the container 26 of Greenbaum is finally assembled, as shown in Figure 8, the container 26 is provided with some method of supplying water to the interior thereof. The top of the container 26 shown in Figures 1-8 of Greenbaum is provided with an array of holes to allow water to flow into the container 26. An alternative embodiment described by Greenbaum provides fittings 32 (not shown in the drawings) to connect to valves or pipes that introduce water to the interior of the container 26 via the fittings 32. If the container 26 of Greenbaum were not provided with some form of water permeability to allow water to enter the container 26, such as the array of small holes or the fittings 32, it would render the container 26 unusable for its stated purpose of collecting and storing water. Therefore, Greenbaum does not teach a casing comprising an inner lining substantially impervious to oxygen and humidity.

Therefore, at least one feature of claim 1 is not taught by Greenbaum. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 2-4, 7, 18 and 19 depending therefrom.

In regard to Rejection of Claims 1, 7, 14, 16, 17, 19 and 20 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 5, 7, 14, 16, 17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by Kelly, U.S. Patent No. 4,778,074. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

In response to the Examiner's remarks, the Applicants have amended claim 1 to incorporate therein the features that were previously recited in claim 6, which has not been rejected over Kelly. Claim 6 has been canceled in consequence.

In view of this amendment, the Applicants submit that at least one feature of claim 1 as amended is not taught by Kelly. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 7, 14, 16, 17, 19 and 20 depending therefrom.

In regard to Rejection of Claims 8-13 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 8-13 under 35 U.S.C. § 103(a) as being unpatentable over Greenbaum. The Applicants disagree.

The Examiner's attention is directed to the following feature of claim 1:

an inner lining substantially impervious to oxygen and humidity

As discussed above with respect to claims 1-4, 6, 7, 18 and 19, at least the above feature of claim 1 is not taught by Greenbaum.

This deficiency in Greenbaum is not remedied by the Examiner's assertion that

Greenbaum teaches that the layers of the lining and/or shell may comprise metallized films. Although the specific implementation and configuration of the metallized films is not disclosed by Greenbaum, it would be well within the skill of the art to use "discrete portions" as opposed to a continuous portion when constructing the container of Greenbaum.

The Applicants do not admit the correctness of the Examiner's assertion, and reserve the right to argue thereagainst in the future.

Therefore, at least one feature of claim 1 as amended is not taught by Greenbaum or the Examiner's assertion, alone or in combination, without admitting the correctness of the Examiner's assertion. As such, the Examiner is requested to withdraw his rejection of claims 8-13 depending from claim 1.

Support for amendments

By the present amendment, claim 1 has been amended to incorporate therein features that were previously recited in claim 6. As a result of this amendment, claim 6 has been canceled. This amendment is believed to be supported by the application as originally filed, in particular claim 6 as originally filed.

In view of the above amendments and remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

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